

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LG CAPITAL FUNDING, LLC

Plaintiff,

v.

HANGOVER JOE'S HOLDING CORP.

Defendant.

Civil Action No.: 1:21-cv-5584 (AJN)

~~{Proposed}~~
Default Judgment

This matter, having been commenced on June 28, 2021 by filing of a Summons and Complaint, the Court finds as follows:

1. Defendant Hangover Joe's Holding Corp. was served vis-à-vis Javier Valles who is designated to accept service on behalf of Defendant's Registered Agent, CT Corporation Systems on September 23, 2021, and its Answer to the Complaint was due on or before October 14, 2021. Dkt. 11.
2. Defendant failed to Answer, and Plaintiff requested a Certificate of Default from the Clerk of this Court on January 3, 2022, which was issued on the next day. Dkts. 14-16.
3. Defendant is a corporation, and therefor is not a minor, is not incompetent, and is not a member of the military. Lerman Decl., ¶ 3.
4. On January 7, 2022, Plaintiff moved for Default Judgment, supported by the Declaration of Kevin Kehrli and exhibits, and the Declaration of Joseph Lerman.
5. Contained in the Complaint and the Declaration of Joseph Lerman are well-pleaded allegations supporting Plaintiff's motion for default judgment on its claim of breach of contract against Defendant.

6. The terms of the Notes, as well as the evidence provided in the Declaration of Joseph Lerman, support a finding of damages in the amount of \$201,620.80 as of January 7, 2022, as well as daily interest of \$43.26 per day from January 8, 2022 to the date of entry of judgment.

7. The well-pleaded allegations in the Complaint and the Declaration of Joseph Lerman also support of a finding that Plaintiff is entitled to its costs and attorneys' fees incurred in conjunction with this action pursuant to the terms of the notes.

8. In conjunction with Plaintiff's motion, it submitted contemporaneous time records supporting Plaintiff's request for \$3,225.00.00 in attorneys' fees, on the basis of 12.9 hours of work at a rate of \$250.00 per hour, which the Court finds reasonable both in terms of counsel's rate within this District and time spent prosecuting this matter.

9. Finally, Plaintiff submitted a receipt for service of process showing that \$85.70 was paid to serve the Summons and Complaint of Defendant, and the record shows a filing fee of \$402.00 was paid to commence this action.

THEREFORE, it is ORDERED, ADJUDGED, and DECREED: That the Court enter judgment against Defendant:

210,662.90

- i. For damages in the amount of ~~\$201,620.80~~;
- ii. ~~Continuing interest in the amount of \$43.26 per day from January 8, 2022 to date of judgment in the amount of \$_____;~~
- iii. For attorneys' fees in the amount of \$3,225.00; and,
- iv. For costs in the amount of \$485.70.

So ordered.
[Signature]
4/15/22